

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA,)	
)	
Government,)	
)	
v.)	Case No. 1:18-mj-470
)	
ANDREAS ROTHENBACH,)	
)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Jeffrey A. Fuller, being duly sworn, depose and state:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) at Dulles, Virginia. I have been employed with the FBI for more than 14 years. Since May 2016, I have been assigned to the Washington Dulles International Airport office of the FBI, where I investigate violations of federal law which occur within the airport environment and onboard aircraft. Title 49 United States Code, Section 46501 establishes the Special Aircraft Jurisdiction of the United States and gives the federal government jurisdiction in all criminal matters occurring on any civil aircraft of the United States while in flight regardless of departure or arrival location.

2. My duties as a Special Agent with FBI include, but are not limited to, investigating criminal violations of Title 49 of the United States Code and seeking, when applicable, prosecution of violators. I have received training in general law enforcement, including training in Title 49 of the United States Code.

3. This affidavit is in support of a criminal complaint against Andreas Rothenbach (ROTHENBACH), a German national, for violation of Title 18 U.S.C., Section 113(a)(4), Assault by striking, beating, or wounding, which occurred on September 29, 2018 aboard United Airlines

(UA) flight 808, en route from Beijing, China to Washington Dulles International Airport (Dulles) in Dulles, Virginia.

4. This Court possesses jurisdiction over the matter. Title 49 U.S.C., Section 46506 provides that “[a]n individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that (1) if committed in the special maritime and territorial jurisdiction of the United States would violate section 113 . . . shall be fined under title 18, imprisoned under that section or chapter, or both.” This code section applies and provides jurisdiction because Title 49 U.S.C., Section 46501(2)(D) further provides that special aircraft jurisdiction of the United States includes any of the following aircraft in flight: “another aircraft outside the United States – (i) that has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States.” Here, the flight left from China and had its next scheduled destination in the United States and next landed in the United States.

5. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the Government.

6. On September 29, 2018, at approximately 7:30 p.m., I was notified by Customs and Border Protection (CBP) of a disturbance on UA 808, en route to Dulles, and that law enforcement presence was requested upon the arrival of the flight. At approximately 8:05 p.m. I met the flight upon arrival, along with officers from CBP and the Metropolitan Washington Airports Authority (MWAA) Police Department.

- a. On September 29, in conjunction with CBP officers and MWAA Police, I interviewed the victim (YW); witnesses M. Goldin (GOLDIN), R. Henan (R. HENAN), and E. Henan (E. HENAN); and flight attendants S. Lee-McCann (MCCANN) and W. Chang (CHANG).
 - b. At approximately 9:30 p.m. Beijing time, GOLDIN, R. HENAN and E. HENAN witnessed ROTHENBACH strike the victim YW twice on the head, then verbally abuse YW and threaten YW. ROTHENBACH said to YW "You don't want to fuck with me! I will fuck you up!" GOLDIN told ROTHENBACH to stop what he was doing. ROTHENBACH replied "It's them! They are fucking Chinese!" He then used several racial epithets and said to GOLDIN "Well fuck you!" R. HENAN was concerned ROTHENBACH would get violent and prepared himself to get involved. ROTHENBACH was moved by the flight crew to another seat at the back of the plane. ROTHENBACH then returned with a flight attendant to retrieve his backpack and in the process, said to GOLDIN "I'll see you later fucker!" GOLDIN took this as a threat. ROTHENBACH eventually settled down and was calm for the rest of the flight. According to the witnesses and ROTHENBACH's statement, ROTHENBACH consumed between four and six alcoholic beverages and had taken a dose of Percocet, prior to the incident, and after the incident he took a Xanax.
6. Upon arrival, ROTHENBACH was detained by CBP officers and MWAA Police and taken from the jet bridge to a holding cell in the Federal Inspection Station at Washington Dulles International Airport. ROTHENBACH was calm and cooperative.
7. Based on the foregoing, I submit that there is probable cause to believe that on or about September 29, 2018, while on an aircraft that was within the Special Aircraft Jurisdiction of the United States, ROTHENBACH assaulted victim YW as witnessed by GOLDIN, R. HENAN and E. HENAN, in violation of Title 18, United States Code, Section 113(a)(4) and Title 49, United States Code, Section 46506(1).



Jeffrey A. Fuller
Special Agent
Federal Bureau of Investigations

Subscribed and sworn to before me on the 1st day of October, 2018.

 /s/ 
John F. Anderson
United States Magistrate Judge

The Honorable John F. Anderson
United States Magistrate Judge
Alexandria, Virginia